

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Specification and Claims

The specification has been amended to correct a typographic error, claim 1 has been amended to include the subject matter of claims 4 and 8, and each of the claims has been amended to place them in proper U.S. format and to correct various grammatical and idiomatic errors. Because the changes are all formal in nature, it is respectfully submitted that the changes do not involve new matter.

2. Objection to Title

The title has been amended to refer to the separate voice and data capabilities of the system of the invention, as required in item 2 on page 2 of the Official Action.

3. Rejection of Claims 1-6 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,320,535 (Hillman) and 6,282,491 (Bochmann)

This rejection has been rendered moot by the incorporation, into claim 1, of the subject matter of claim 8 (as well as claim 4, from which claim 8 originally depended).

4. Rejection of Claims 7 and 8 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,320,535 (Hillman), 6,282,491 (Bochmann), and 6,580,375 (Ruhl)

This rejection is respectfully traversed on the grounds that neither the Hillman patent nor the Bochmann and Ruhl patents discloses or suggests, whether considered individually or in any reasonable combination, a vehicle communication system capable of:

- simultaneously transmitting voice and data, and
- simultaneously receiving voice and data signals for *separate* output to a voice output device and a vehicle supplementary system,

wherein the vehicle supplementary system that receives the data is a PDA system.

Vehicle PDA systems are used to assist a driver when traveling, serving as an on-board “secretary” system for handling various kinds of data, such as traffic data, stock market data, and so forth. Such data are required to be transmitted without interruption, and take a long to transmit. By enabling the data to be transmitted at the same time as a voice transmission, the data can be transmitted without interruption in a convenient manner.

In contrast, the Hillman patent discloses a simultaneous transmission of voice and GPS data only. No provision is made for the inclusion of a PDA system and transmission of data to and from the PDA system. Furthermore, the Hillman patent does not disclose use of GSM to transmit/receive the voice and data.

The Bochmann patent does not make up for these deficiencies since, since the Bochmann does not teach that the GSM module arranged to simultaneously transmit both voice and data. While Bochmann does teach a GSM module, the GSM module is equivalent to that discussed in the “prior art” section of the present application, *i.e.*, it can only transmit voice *or* data at one time, and therefore would not be useful for transmitting data of the type handled by a PDA.

In other words, while Hillman discloses simultaneous voice and data communications, and Bochmann discloses GSM communications, the GSM communications of Bochmann are not simultaneous and thus **neither reference teaches the claimed simultaneous GSM communications**, much less a PDA system of the type that would benefit from such simultaneous GSM communications capability.

This deficiency is also not remedied by the Ruhl patent, which teaches a navigation system that interfaces with a PDA system, but that fails to utilize any sort of GSM communications, much less simultaneous voice and data communications. It is respectfully submitted that while PDA systems are well-known, as are GSM systems, the prior art does not disclose or suggest the claimed **combination** of a GSM system with voice/data capabilities and a PDA system.

Serial Number 10/040,458

The Examiner is reminded that, as explained by way of example in *In re Fritch*, 23 USPQ2d 1780,1783 (Fed. Cir. 1992):

'Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so [quoting ACS Hosp. Systems, Inc. v. Montefiore Hosp., 221 USPQ 929,933 (Fed. Cir. 1984)].' Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious 'modification' of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

It is respectfully submitted that since the prior does not suggest, except in hindsight, the desirability of combining (i) the simultaneous data/voice communications of Hillman, (ii) the conventional non-simultaneous GSM data communications of Bochmann, and (iii) the PDA system of Ruhl, the combination cannot properly be considered "obvious" and withdrawal of the rejection of claims 7 and 8 (the subject matter of claim 8 now being included in claim 1) is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC



Date: January 28, 2005

By: BENJAMIN E. URCIA
Registration No. 33,805

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, Virginia 22314
Telephone: (703) 683-0500

NWB:S:\Producer\hes\Pending A... \PC\CHEN 040458a012.wpd